

Application Serial Number: 10/672,791  
Attorney Docket No.: ARC 2813 D1 N1

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### **REMARKS/ARGUMENTS**

Favorable reconsideration of this application is requested in view of the amendments above and the remarks which follow.

#### **Specification**

The cross-reference to related applications has been amended as set forth above to change the incorrectly identified application serial no. 10/876,096 to 10/076,096. Applicant thanks the Examiner for noting the typographical error.

#### **Rejections under 35 U.S.C. §101**

Claims 1-29 were rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-28 of prior U.S. Patent No. 6,365,183. Claims 1-29 have been cancelled. Accordingly, this rejection is moot.

#### **Rejections under 35 U.S.C. §102**

Claims 30-35 were rejected under 35 U.S.C. §102(b) as being anticipated by Shah et al. (US Patent No. 4,824,677). Claims 31 and 32 have been cancelled. Accordingly, rejection of these claims is moot. Reconsideration of the rejection of claims 30 and 33-35 is respectfully requested.

Amended claim 30 recites a blank for formation of a pharmaceutical dosage form for controlled delivery of an active agent which comprises an active agent formulation matrix having a groove circumscribing a portion of the external surface of the matrix, wherein the groove has a concave shape. Shah et al. do not disclose a groove having a concave shape circumscribing a portion of an external surface of an active agent formulation matrix.

In view of the above, claim 30, as amended, is not anticipated by Shah et al. Withdrawal of the rejection of claim 30 over Shah et al. is respectfully requested. Claims 33-35, being dependent on claim 30, are likewise patentable in view of the foregoing arguments.

#### **Allowable Claims**

Applicant thanks the Examiner for indicating that claims 36-48 are allowed.

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### Conclusion

The rejected claims have been amended and/or shown to be allowable over the prior art. Applicant believes that this paper is fully responsive to each ground of rejection cited by the Examiner in the Office Action dated August 5, 2004, and respectfully requests that a timely Notice of Allowance be issued in this case.

Please apply any charges not covered or any credits to Deposit Account No. 50-3202 (Docket No. ARC 2813 D1 N1).

Respectfully submitted,

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